

REMARKS/ARGUMENTS

Claims 1-12 remain in the application. Claims 1-11 stand rejected. Claim 12 stands objected to, but would be allowable if rewritten in independent form.

1. Rejection of Claim 7 Under 35 USC 112

Claim 7 stands rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement.

Claim 7 has been amended. The amendment finds support, at least, on page 7, lines 5-9. As amended, claim 7 is believed to overcome the Examiner's rejection based on 35 USC 112.

2. Rejection of Claims 1, 7, 9 and 10 Under 35 USC 112

Claims 1, 7, 9 and 10 stand rejected under 35 USC 112, second paragraph, because certain terms lack antecedent basis.

As amended, claims 1, 7, 9 and 10 are believed to overcome this rejection.

3. Rejection of Claims 1-5 and 8-10 Under 35 USC 102(e)

Claims 1-5 and 8-10 stand rejected under 35 USC 102(e) as being anticipated by Goldsack et al. (US 6,831,890 B1; hereinafter "Goldsack").

With respect to claim 1, the Examiner asserts that all of the elements of claim 1 are taught by Goldsack in FIG. 1; in col. 2, lines 1-5; and in col. 4, lines 20-26.

Applicants respectfully disagree.

Goldsack teaches methods and apparatus for tapping and filtering data cells at ingress and egress points of a network, and teaches how to extract and compare

timestamps and other information for the purpose of “measuring network performance parameters” (see, e.g., Goldsack’s Title). However, Goldsack provides absolutely no teaching or suggestion that “ingress and egress information” can or should be tapped or used for the purpose of “discovering policies” of a network. As such, applicants believe Goldsack’s teachings are insufficient to support a prima facie rejection of claim 1.

Claim 1 is believed to be allowable for at least the above reason. Claims 2-5 and 8-10 are believed to be allowable, at least, because they depend from claim 1.

4. Rejection of Claim 6 Under 35 USC 103(a)

Claim 6 stands rejected under 35 USC 103(a) as being unpatentable over Goldsack et al. (US 6,831,890 B1; hereinafter “Goldsack”).

Claim 6 is believed to be allowable, at least, because it depends from claim 1. Although the Examiner asserts that, “It would have been obvious to one skilled in the art at the time of the invention was made to implement damping policies using method teaching by Goldsack et al.” (see, 4/26/2007 Office Action, p. 5, sec. 8), applicants are not claiming a method of implementing damping policies. Rather, applicants are claiming a method for “discovering” damping policies that are internally implemented, yet externally unknown.

5. Rejection of Claim 11 Under 35 USC 103(a)

Claim 11 stands rejected under 35 USC 103(a) as being unpatentable over Goldsack et al. (US 6,831,890 B1; hereinafter “Goldsack”) in view of Mangipudi et al. (US 7,124,188 B2; hereinafter “Mangipudi”).

Claim 11 is believed to be allowable, at least, because it depends from claim 1, and because Mangipudi fails to disclose that which is missing from Goldsack.

6. Objection to Claim 12


The Examiner has objected to claim 12 as depending on a rejected base claim, but has indicated that claim 12 is otherwise allowable. Applicants thank the Examiner for indicating the allowability of claim 12. However, applicants have chosen to leave claim 12 in its current form, pending the Examiner's consideration of the amendments, remarks and arguments provided herein.

7. Conclusion

In light of the amendments and remarks provided herein, applicants respectfully request the timely issuance of a Notice of Allowance.

Respectfully submitted,
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